

Panaji, 10th November, 1983 (Kartika 19, 1905)

SERIES I No. 32

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

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Law Department (Legal Advice)
Drafting Section

Notification

LD/1/9/83-(D)

The Punjab Disturbed Areas Ordinance, 1983 (No. 5 of 1983), the Chandigarh Disturbed Areas Ordinance, 1983 (No. 6 of 1983), and the Tea (Amendment) Ordinance, 1983 (No. 7 of 1983) which have been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 7th October, 1983, are hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting).
Panaji, 2nd November, 1983.

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 7th October, 1983/*Asvina* 15,
1905 (*Saka*)

THE PUNJAB DISTURBED AREAS ORDINANCE, 1983

No. 5 of 1983

Promulgated by the President in the Thirty-fourth
Year of the Republic of India.

An Ordinance to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Punjab.

Whereas by a Proclamation issued on the 6th day of October, 1983 by the President under article 356 of the Constitution the powers of the Legislature of the State of Punjab have been declared to be exercisable by or under the authority of Parliament;

And Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution and of all other powers enabling him in that behalf,

the President is pleased to promulgate the following Ordinance:—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Punjab Disturbed Areas Ordinance, 1983.

(2) It extends to the whole of the State of Punjab.

(3) It shall come into force at once.

2. **Definition.**—In this Ordinance, “disturbed area” means an area which is for the time being declared by notification under section 3 to be a disturbed area.

3. **Powers to declare areas to be disturbed areas.**—The State Government may, by notification in the Official Gazette, declare that the whole or any part of any district of Punjab as may be specified in the notification is a disturbed area.

4. **Power to fire upon persons contravening certain orders.**—Any Magistrate or Police Officer not below the rank of Sub-Inspector or Havildar in case of the Armed Branch of the Police may, if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning, as he may consider necessary, fire upon, or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area, prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances.

5. **Powers to destroy arms dump, fortified positions, etc.**—Any Magistrate or Police Officer not below the rank of a Sub-Inspector may, if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made or any structure used as training camp for armed volunteers or utilized as a hideout by armed gangs or absconders wanted for any offence.

6. **Protection of persons acting under sections 4 and 5.**—No suit, prosecution or other legal proceedings shall be instituted except with the previous sanction of the State Government against any person in respect of anything done or purporting to be done in exercise of the powers conferred by sections 4 and 5.

ZAIL SINGH,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 7th October, 1983/Asvina 15,
1905 (Saka)

THE CHANDIGARH DISTURBED AREAS
ORDINANCE, 1983

No. 6 of 1983

Promulgated by the President in the Thirty-fourth
Year of the Republic of India.

An Ordinance to make better provision for the
suppression of disorder and for the restoration
and maintenance of public order in disturbed
areas in Chandigarh.

Whereas Parliament is not in session and the
President is satisfied that circumstances exist which
render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred
by clause (1) of article 123 of the Constitution and
of all other powers enabling him in that behalf, the
President is pleased to promulgate the following
Ordinance:—

1. Short title, extent and commencement. — (1)
This Ordinance may be called the Chandigarh
Disturbed Areas Ordinance, 1983.

(2) It extends to the whole of the Union territory
of Chandigarh.

(3) It shall come into force at once.

2. Definitions. — In this Ordinance, —

(a) "Administrator" means the Administrator
of the Union territory of Chandigarh appointed
under article 239 of the Constitution;

(b) "disturbed area" means the area which is
for the time being declared by notification under
section 3 to be a disturbed area.

3. Powers to declare areas to be disturbed areas. —
The Administrator may, by notification in the
Official Gazette, declare that the whole or any part
of the Union territory of Chandigarh as may be
specified in the notification is a disturbed area.

4. Power to fire upon persons contravening certain
orders. — Any Magistrate or Police Officer not
below the rank of Sub-Inspector or Havildar in case
of the Armed Branch of the Police may, if he is of
opinion that it is necessary so to do for the main-
tenance of public order, after giving such due
warning, as he may consider necessary, fire upon, or
otherwise use force, even to the causing of death,
against any person who is acting in contravention of
any law or order for the time being in force in the dis-
turbed area, prohibiting the assembly of five or more
persons or the carrying of weapons or of things
capable of being used as weapons or of fire-arms,
ammunition or explosive substances.

5. Powers to destroy arms dump, fortified posi-
tions, etc. — Any Magistrate or Police Officer not
below the rank of a Sub-Inspector may, if he is of
opinion that it is necessary so to do, destroy any
arms dump, prepared or fortified position or shelter
from which armed attacks are made or are likely to
be made or are attempted to be made or any structure
used as training camp for armed volunteers or
utilised as a hideout by armed gangs or absconders
wanted for any offence.

6. Protection of persons acting under sections 4
and 5. — No suit, prosecution or other legal proceed-
ings shall be instituted except with the previous
sanction of the Administrator against any person
in respect of anything done or purporting to be done
in exercise of the powers conferred by sections
4 and 5.

ZAIL SINGH,

President.

R. V. S. PERI SASTRI,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 7th October, 1983/Asvina 15,
1905 (Saka)

THE TEA (AMENDMENT) ORDINANCE, 1983

No. 7 of 1983

Promulgated by the President in the Thirty-fourth
Year of the Republic of India.

An Ordinance further to amend the Tea Act, 1953.

Whereas Parliament is not in session and the
President is satisfied that circumstances exist which
render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers con-
ferred by clause (1) of article 123 of the Constitu-
tion, the President is pleased to promulgate the
following Ordinance:

1. Short title and commencement. — (1) This
Ordinance may be called the Tea (Amendment)
Ordinance, 1983.

(2) It shall come into force at once.

2. Amendment of sections 16D and 16-I.
— In the proviso to sub-section (2) of
section 16D and in clause (a) of sub-
section (2) of section 16-I of the Tea
Act, 1953, for the words "two years", the 29 of 1953,
words "six years" shall be substituted.

ZAIL SINGH,

President.

R. V. S. PERI SASTRI,

Secy. to the Govt. of India.